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TECHNOLOGY CENTER 3600

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Arlington, VA 22202

In re Application of	:	
Clement Meyer, et al.	:	Petition for Supervisory Review
Application Number 10/614,028	:	under 37 C.F.R. §1.181
Filed: 07/08/2003	:	
For: PROCESS FOR AUTOMATIC	:	
REMOVAL OF PACKAGES	:	

This is a decision on the petition filed on February 16, 2006, under 37 C.F.R. §1.181 requesting supervisory review of the office actions mailed on October 3, 2005, and January 26, 2006.

The petition is DISMISSED.

Petitioner alleges that the non-final office action mailed on October 3, 2005, does not treat the correct claims of the application, and requests that a new office action be provided and the period for response restarted.

#### Background

1. The instant application was filed on July 8, 2003. As originally filed, the application included the specification (on pages 1-7) and claims 1-8 (on two pages numbered 8 and 9).
2. Filed concurrently was a preliminary amendment that included claims 8, 9, 10, and 13, all having the status identifier "amended", and claim 14, which was identified as "new".
3. Although both the remarks filed with the preliminary amendment, and the transmittal form filed with the application refer to 14 pending claims, no documents in the record include any claims numbered 11 or 12. Further, the text of the "amended" claim 8 found in the preliminary amendment does not match the text of the originally filed claim 8.
4. The application was subsequently converted from a paper application file to and electronic file, which became the official record of the application at the USPTO.

5. As part of the conversion process, USPTO technical support staff created a document entitled "CLMPTO". The CLMPTO document incorporates all the pending claims in an application into a single document in order to facilitate indexing and scanning into the electronic application file. The CLMPTO document for this file includes:
  - a. claims 1-7 of the eight originally filed claims identified in item 1 above, and
  - b. claims 8, 9, 10, 13, and 14 identified in item 2 above.

Claims 13 and 14 were renumbered as claims 11 and 12 under 37 C.F.R. §1.126.

6. The examiner's office action mailed October 3, 2005, treats claims 1-12 as they appear in the CLMPTO document.
7. In response to a first request for a corrected office action, a letter holding the reply nonresponsive was mailed on January 26, 2006, setting an extendable one-month period for response.

#### Analysis

Petitioner states that he believes that the examiner has inadvertently examined the claims of the provisional application from which benefit is claimed. A review of the provisional application, application number 60/396,572, reveals that it contains 8 claims on pages 6 and 7, all in French. No copy of these claims is found in the instant application file. Thus, it is clear that the office action does not treat the claims of the provisional application, because the provisional application claims are neither in English, nor present in the application file.

Petitioner is correct that the examiner did examine claims 8, 9, 10, 13 (renumbered as claim 11), and 14 (renumbered as claim 12) of the preliminary amendment filed on July 8, 2003. As noted above, these amended claims were included in the CLMPTO document.

All of the documents referred to above can be viewed using the private or public PAIR system at the USPTO website, [www.uspto.gov](http://www.uspto.gov). Neither of the documents attached to the reply filed on November 23, 2005, which are identified as a listing of the claims as originally filed and as amended by an amendment filed on July 8, 2003, correspond to any of the sets of claims found in the official application file. Thus, the examiner correctly acted upon the claims that are actually of record in the official application file. A copy of the treated claims is attached for Petitioner's information. The Office is unable to provide a corrected office action treating different claims, because no other claims are present in the official application file.

Should Petitioner feel that the official application file of record in the Office is incorrect, a petition to accept late submission of copies of the documents in dispute

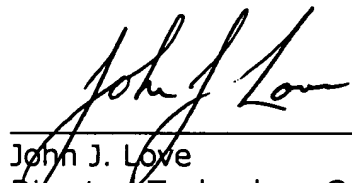

may be filed. Upon the granting of such a petition, the issuance of a corrected office action will be reconsidered.

Conclusion

The petition for supervisory review of the office action mailed on October 3, 2005, is DISMISSED.

**The period for response set in the January 26, 2006, communication continues to run<sup>1</sup>.**

Telephone inquiries should be directed to Katherine Matecki at (571) 272-6951.

  
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John J. Love  
Director, Technology Center 3600  
(571) 272-5250  


Enclosed: Copy of claims acted on by the examiner

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<sup>1</sup> **§ 1.181 Petition to the Director.**

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(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Art Unit: 3654

CLMPTO 070803 AEC

Claims:

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1. Process for the automatic removal of packages from a winding station of a yarn winding machine, comprising means (1) for holding and disengaging a full package (2), a package guide (3) guiding the yarn to be wound during winding, a bar (7) for disengagement from the winding guide (3), a package drive (4), heads (5) for gripping and holding a spool (6) and a device (7) for supplying the station with spools (6), characterized in that it consists essentially in providing, during each removal cycle, a relaxation of the tension of the supply yarn, then restarting a new winding cycle after completion of the removal.

2. Process according to claim 1, characterized in that the relaxation of the tension of the supply yarn is carried out during stopping of winding, namely during the phase of deceleration of the package or upon total stoppage of the package, or again after total stoppage of the package before disengagement of the full package or during this disengagement or just after the disengagement.

3. Process according to claim 2, characterized in that the relaxation of the tension of the supply yarn is carried out, by driving the package (1) in the reverse direction of its winding rotation, by means of the package drive (4), which is actuated in the opposite direction, for a short period of time, by means of a mechanical, electrical, electronic or like reverser.

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4. Process according to claim 2, characterized in that the relaxation of the tension of the supply yarn is carried out after total stopping of the package, during disengagement of the full package (2) by the relaxation of the tension of the supply yarn upstream of the winding station.

5. Process according to claim 2, characterized in that the relaxation of the tension of the supply yarn is carried out by action on the path of the yarn upstream of the winding guide (3), the assembly of the drive motors for winding, the winding guide and the pre-supply being stopped.

6. Process according to claim 5, characterized in that obtaining the relaxation is carried out by a relative displacement of the different deflection cylinders forming the pre-supply in the direction of shortening the path of the yarn during stopping.

7. Process according to claim 5, characterized in that obtaining the relaxation is carried out by action on the length of the path of the yarn by provision of one or several deflection cylinders along said path, these deflection cylinders being movable outside a rectilinear path.

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8. (amended) Process according to claim 3, characterized in that the relaxation of the tension of the supply yarn is carried out upstream of the winding station.

9. (amended) Process according to claim 3, characterized in that the relaxation of the tension of the supply yarn is effected, by driving the package (2) in the reverse direction of its winding rotation, by means of the package drive (4), which is actuated in the opposite direction, for a short period of time, by means of a mechanical, electrical, electronic or like reverser.

10. (amended) Process according to claim 2, characterized in that the relaxation of the tension of the supply yarn is carried out effected by action on the path of the yarn upstream of the winding guide (3), the assembly of the drive motors for winding, for the winding guide and for the pre-supply being stopped.

Rule 1.26

11/  
12

(amended) Process according to claim 9, characterized in that the different controls for reversing the

operation of the package drive (4) or the movement of the different deflection cylinders is carried out automatically.

Art Unit:3651

<sup>12</sup>  
~~11~~. (new). Process according to claim 12, characterized  
in that the different controls for reversing the operation of  
the package drive (4) or the movement of the different  
deflection cylinders is carried out automatically.--

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